

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

RICHARD MILLS,

Petitioner,

v.

ORDER
06-CV-842A

SUPERINTENDENT T. POOLE,

Respondent.

Petitioner Richard Mills filed the instant petition for habeas corpus relief, pursuant to 28 U.S.C. § 2254, on December 20, 2006. The case was referred to Magistrate Judge Victor E. Bianchini, pursuant to 28 U.S.C. § 636(b)(1), on June 12, 2007. On July 11, 2007, petitioner filed a motion, pursuant to Local Rule 7.1(f), to file a traverse/reply memorandum of law in excess of the applicable page limits (Docket No. 40). On October 31, 2007, Magistrate Judge Bianchini filed a Decision and Order, denying with prejudice petitioner's motion to file an 87-page traverse/reply memorandum of law (Docket No. 52). However, Magistrate Judge Bianchini did permit petitioner to file a 25-page traverse/reply memorandum of law.

Petitioner filed objections to the Decision and Order on November 6, 2007 (Docket No. 57) and November 13, 2007 (Docket No. 60). Respondent filed a response to the objections on November 26, 2007 (Docket No. 63).

Pursuant to 28 U.S.C. § 636(b)(1)(A), the district court "may reconsider any pretrial matter under this [section] where it has been shown that the magistrate's order is clearly erroneous or contrary to law." The Court has reviewed petitioner's objections and Magistrate Judge Bianchini's Decision and Order, and finds that Magistrate Judge Bianchini's Decision and Order is neither clearly erroneous nor contrary to law.

Accordingly, the Court affirms the Decision and Order.

The case is referred back to Magistrate Judge Bianchini for further proceedings.

SO ORDERED.

s/ Richard J. Arcara
HONORABLE RICHARD J. ARCARA
CHIEF JUDGE
UNITED STATES DISTRICT COURT

DATED: January 14, 2008